

Music licensing

The information contained herein is furnished solely to assist you in exercising your own judgment. This report should not be considered as an endorsement or a recommendation of any licensing agency.

The copyright law establishes the principle that copyrighted material is property and no one can use someone else's property without the permission of the owner. To protect this property right, the law gives copyright owners the right to license any performance of their work, with only a few exceptions.

Businesses which feature performances of copyrighted music—whether performed by live musicians, record, tape player, radio, video or other media—must obtain permission to use the music. Usually, this involves paying a fee.

Permission may be obtained directly from the composer, author or publisher. Permission or licensing might also be obtained from independent licensing agencies or other authorized representatives. The two largest licensing agencies are American Society of Composers, Authors &

Publishers (ASCAP) and Broadcast Music Incorporated (BMI).

Businesses that feature background music on radios, tapes or other systems, as well as those that offer live band performances and stage shows may be approached by representatives of individual licensing agencies and asked to pay a licensing fee in order to use the music. Since not all works or performances are handled by the same licensing agency, it may be necessary to pay fees to different agencies to cover all of the material used in the place of business.

While some businesses object to this expense, the collection of licensing fees is legal, and paying fees to licensing agencies may be the most practical way to fulfill the copyright obligation. Licensing fees vary widely among different kinds of users. They are often based on the size of the facility, as well as the number and kind of performances offered.

Violations of the copyright law may be expensive. The law provides for civil remedies including an

injunction against further infringements and damages. The court may also award court costs and attorney's fees. In addition, criminal penalties may also be assessed against persons who infringe a copyright willfully and for purposes of commercial advantage or private financial gain.

When approached to pay licensing fees, owners of businesses may consider consulting with a private attorney to establish that they are actually using copyrighted material and that they are legally required to pay for its use.

For more information or to file a complaint, contact the Bureau of Consumer Protection at:

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TTY: (608) 224-5058

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